

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's Information Disclosure Statements (IDS) by return of the Forms PTO-1449, and for the acknowledgment of Applicants' Claim for Priority and Receipt of the certified copy of the priority documents in the Official Action. Applicants respectfully request reconsideration and withdrawal of the outstanding objection and rejection. Such action is respectfully requested and is now believed to be appropriate.

Upon entry of the present amendment, the title, the specification and claim 1 will have been amended, and claims 4-6 will have been canceled without prejudice or disclaimer. Claims 1-3 remain pending in the present application. Applicants note that the title has been changed to reflect the amendments to the claims, discussed hereinbelow.

The Examiner has objected to the specification, requesting the correction of clerical errors. In compliance with the Examiner's request, Applicants have corrected these errors, and have also again reviewed the specification but has not become aware of any errors therein. Applicants thus request withdrawal of this objection.

The Examiner has rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite, having found the limitation "the signal points" as lacking antecedent basis. Applicant respectfully disagrees with the Examiner's rejections under 35 U.S.C. § 112, second paragraph, in that one skilled in the art would readily understand what the claimed element was prior to the present Amendment, especially since the Examiner was apparently able to examine this claim on the merits, having found it otherwise allowable. Nevertheless, without agreeing to the propriety of the Examiner's rejection, Applicant

has amended claim 1 accordingly, solely to expedite the patent application process. It is thus respectfully requested that the Examiner withdraw the rejection of claim 1 (and claims 2-3 dependent therefrom) under 35 U.S.C. § 112, second paragraph.

The Examiner has rejected claims 4-6 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-6 of the parent patent (*i.e.*, US Patent No. 6,748,023). In this regard, solely in order to advance the prosecution of the present application, Applicant has canceled these claims, which should not be taken as an acquiescence by Applicant as to the propriety of the rejection. Further, Applicant expressly reserves the right to submit claims of a related scope in another application. Thus, the cancellation of the claim in the present application is without prejudice.

Thus, Applicants respectfully submits that each and every pending claim of the present application meets all requirements for patentability, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

COMMENTS ON STATEMENT OF REASONS FOR THE INDICATION OF
ALLOWABLE SUBJECT MATTER

In response to the Statement of Reasons for the Indication of Allowable Subject Matter, mailed by the U.S. Patent and Trademark Office on March 22, 2007, along with the above-noted Official Action, Applicants wish to clarify the record with respect to the basis for patentability of the allowable claim in the present application. In this regard, while Applicants do not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicants further wish to clarify that the independent claim in the present application recites a particular combination of features, and the basis for patentability of each of the claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional basis for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or suggests the present claimed invention, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability (*e.g.*, for grammatical purposes), and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Respectfully Submitted,
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A handwritten signature in dark ink, appearing to read "Bruce H. Bernstein", written over a horizontal line.

Bruce H. Bernstein
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